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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/721,848	11/25/2003	Steven G. Seberger	EMERSON/56-11502	6938
34431	7590 02/01/2006	EXAMINER		INER
HANLEY, FLIGHT & ZIMMERMAN, LLC			KRISHNAMURTHY, RAMESH	
20 N. WACKER DRIVE SUITE 4220 CHICAGO, IL 60606			ART UNIT	PAPER NUMBER
			3753	-

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		<u> </u>				
	Application No.	Applicant(s)				
	10/721,848	SEBERGER, STEVEN G.				
Office Action Summary	Examiner	Art Unit				
	Ramesh Krishnamurthy •	3753				
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the o	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	OATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. (D. (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 14 J	<u>luly 2005</u> .					
,	, 					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) ⊠ Claim(s) 1 - 19 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 1 - 19 are subject to restriction and/or	awn from consideration.					
Application Papers						
9) The specification is objected to by the Examin	er.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureat * See the attached detailed Office action for a list	nts have been received. Its have been received in Applicat Ority documents have been receive Ority CT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	/ (PTO-413)				
2) Notice of Neterlettes Cited (170-002) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	Paper No(s)/Mail D					

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1 - 4, drawn to a shut down unit, classified in class 361, subclass

170+.

II. Claims 5 - 19, drawn to an electro-pneumatic controller, classified in class

137, subclass 487.5.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as combination and subcombination. Inventions in

this relationship are distinct if it can be shown that (1) the combination as claimed does

not require the particulars of the subcombination as claimed for patentability, and (2)

that the subcombination has utility by itself or in other combinations (MPEP §

806.05(c)). In the instant case, the combination as claimed does not require the

particulars of the subcombination as claimed because the combination does not require

the details of the switch recited in the claims 1-4 directed to the sub combination. The

subcombination has separate utility such as for any application calling for a two-position

electronic switch.

3. Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art as shown by their different classification, restriction

for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must

include an election of the invention to be examined even though the requirement be

traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is

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(571) 272 - 4914. The examiner can normally be reached on Monday - Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel, can be reached on (571) 272 – 4929. The fax phone number for the organization where this application or proceeding is assigned is (571) 273 – 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramesh Krishnamurthy, Ph.D., PE

Primary Examiner Art Unit 3753